



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer function [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be construed as endorsement of the views contained therein.



## U.S. Department of State

### Swaziland Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

---

#### SWAZILAND

Swaziland is governed as a modified traditional monarchy with executive, legislative, and (with limitations) judicial powers ultimately vested in the King (presently Mswati III). The King rules according to unwritten law and custom, in conjunction with a mainly-elected parliament and an accompanying structure of published laws and implementing agencies. Parliamentary elections in 1993, local council elections in 1994, and municipal elections in 1995 and 1997 introduced increased representative government, but political power continues to rest largely with the King and his circle of traditional advisers. The 1968 Constitution was suspended by the present King's father in 1973. Based upon the 1973 decree, the King has the authority to issue decrees that carry the force of law, although he has not exercised this authority in recent years. The 1973 decree also bans political parties, meetings, and processions except in local "Tinkhundla" centers. There are public demands that the 1973 decree be lifted, and the question is among issues that a Constitutional Review Commission (CRC), appointed by the King in July 1996, is expected to consider and make recommendations on over the course of its 2-year mandate. Four progressive CRC members resigned, variously citing concerns over the Commission's terms of reference, its procedures, its slow progress, and the fact that members were appointed by the King rather than nominated by civic or political groups. The judiciary is independent.

Both the Umbutfo Swaziland Defense Force and the Royal Swaziland Police operate under civilian control and are responsible for external and internal security. Some communities, questioning the ability of the National Police to deal with enforcement at the community level, formed community police. There were reports of conflicts between the national and the community police. Members of both the National Police and the community police committed some human rights abuses.

Swaziland has a free market economy, with relatively little government intervention. The majority of citizens are engaged in subsistence agriculture, although a relatively diversified industrial sector now accounts for the largest component of the formal economy. The economy relies heavily on the export sector, especially the soft drink concentrate, sugar, and wood pulp industries, which are composed primarily of large firms with predominantly foreign ownership. A governmental organization maintains large investments in all major sectors of the economy, including industry, agriculture, and services.

There was little change in the overall human rights situation. Citizens still are not able to change their government. Police tortured and beat some suspects and sometimes used excessive force against demonstrators. The Government generally failed to prosecute or otherwise discipline police officers who committed such abuses. Prison conditions are poor, and the Government continued to use a nonbailable offense provision of the law. Police at times harassed human rights and political activists from prohibited political organizations, as well as labor leaders. The Government continues to limit freedom of speech and the press, and journalists practice some self-censorship, although they spoke out on key issues. However, there was growing freedom of speech in certain areas, including parliamentary debate, and at the CRC's public meetings, where some citizens voiced strong political opinions. The Government restricted freedom of association and assembly and retained prohibitions on political activity, although numerous political formations operated openly and voiced opinions critical of the Government. Authorities on occasion arrested or detained members of political groupings, labor union leaders, and human rights activists for brief periods. There are some limits on freedom of movement. Legal and cultural discrimination and violence against women as well as abuse of children, remained problems. Discrimination against mixed race and white citizens persists. The Government restricts worker rights. The 1996 Industrial Relations Act (IRA), which both unions and organized business criticize for its heavy penalties and violations of International Labor Organization (ILO) conventions, remained in force, although the Government agreed to revise it and in November formed a tripartite redrafting committee, including employers and labor, which was assisted by an ILO advisor.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

#### **b. Disappearance**

There were no reports of politically-motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were credible reports by criminal defendants of the use of torture during interrogation. Police sometimes beat criminal suspects and occasionally used the "tube" style of interrogation, in which police suffocate suspects through use of a rubber tube around the face and mouth. The Government generally failed to prosecute or otherwise discipline police officers for such abuses. Courts did, however, invalidate confessions induced through such physical abuse.

Police sometimes used excessive force in dealing with demonstrators. In February police gassed, beat, and detained 20 labor and political leaders at the beginning of a labor mass "stay away" (a nonviolent protest action whereby employees fail to report to work). Police later shot and wounded six

demonstrators in Big Bend during the February stay away. In April during a prohibited political rally calling for the repeal of the 1973 decree, police beat 18 people, including 2 bystanders. However, in October and November during a 2-day general labor mass stay away and 6-week teachers mass stay away, police exercised marked restraint.

Prison conditions are poor. Food is generally adequate, although sometimes family members must bring food to supplement the sparse prison diet. Medical care is inadequate. Use of the nonbailable provision led to continued overcrowding in government remand centers, where suspects are held during pretrial detention (see Section I.d.). Women and juveniles are held in separate prison facilities.

The Government permits prison visits by human rights monitors, and allowed journalists to interview labor leaders detained during the February stay away.

#### d. Arbitrary Arrest, Detention, or Exile

The law requires warrants for arrests in most circumstances, except when police observe a crime being committed or have reason to believe that a suspect may flee. Detainees may consult with a lawyer of their choice and must be charged with violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appears. The authorities generally respect these rights in practice.

The Government continued to limit provisions for bail for crimes appearing in the Nonbailable Offenses Order, which became effective in 1993 and was strengthened by Parliament in 1994. The act lists 11 offenses; narcotics use and trafficking were added during 1997. The mere charge of the underlying offense, without any evidentiary showing that the suspect is involved, is sufficient to employ the nonbailable provision. The Minister of Justice may amend the list by his own executive act.

In January, immediately prior to a planned labor mass stay away, the nonbailable provision was applied to a portion of the 1963 Public Order Act, which was then used to arrest four labor leaders. The court acquitted them after 26 days in prison. The terms under which they were held were lenient, however, and the detained labor leaders were allowed to meet with the press and union members. On the first day of the February stay away, police gassed, beat, and detained 20 labor and political leaders for several hours. Also during the month-long stay away, police detained a leading human rights activist for a day as well as various political activists, including youths holding a protest prayer meeting in support of the labor leaders.

During Constitutional Review Commission visits in August to local centers, police detained one political activist briefly in Piggs Peak and arrested four activists in Mbabane. The four were released on bail the following day. During October-November mass "stay aways" no detentions were reported.

The Government does not use forced exile. There are no barriers to prevent the return of dissidents.

#### e. Denial of Fair Public Trial

The judiciary is independent; however, the King has certain judicial powers.

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts following unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, that may adopt rules and procedures different from those applied in the High Court. However, this power was last used

in 1987.

The Western judiciary consists of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrates' courts, all of which are independent of executive and military control and free from intimidation from outside forces. The expatriate judges, often distinguished members of their respective bars, serve on the basis of 2-year, renewable contracts. Local judges serve indefinitely on good behavior. In magistrates' courts, the defendant is entitled to counsel at his or her own expense. Court-appointed counsel is provided in capital cases or when difficult points of law are at issue. There are well-defined appeal procedures up to the Court of Appeals, the highest judicial body.

Most Swazis who encounter the legal system do so through the traditional courts. The authorities may bring ethnic Swazis to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants are not permitted formal legal counsel but may speak on their own behalf and be assisted by informal advisers. Sentences are subject to review by traditional authorities and to appeal to the High Court and the Court of Appeals. Legally, the public prosecutor has the authority to determine which court should hear a case, but in practice the police usually make that determination. Accused persons have the right to transfer their cases from the traditional courts. Delays in trials are common. Three labor leaders charged in 1996 under the Industrial Relations Act and 49 political activists charged in 1994 have pending cases. In February the court tried and acquitted after 26 days the four labor leaders who had been arrested immediately prior to labor's mass action (see Section 6.a.).

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law requires a warrant from a magistrate before police may search homes or other premises, and police generally respect this requirement in practice. However, police officers with the rank of subinspector or higher have the right to search without a warrant if they believe that evidence might be lost through delay in obtaining a warrant. While searches without warrants occur occasionally, the issue of legality of evidence rarely arises in court. In February during labor's mass stay away action, police searched the home of a leading human rights activist without a warrant.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Government limits freedom of speech and of the press through the continuing ban on political parties and the occasional harassment of journalists. The Government also discourages critical news coverage of the royal family, and journalists practice some self-censorship. The Government's proposed media bill could further restrict freedom of speech and the press if implemented. Both government-owned and independent newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste.

However, while there is extensive published criticism of government activities, the media, both government-controlled and private, practice self-censorship in regard to the immediate royal family and national security policy. The government-owned television and radio stations--the most influential media in reaching the public--generally followed official policy positions. In January the Government reportedly canceled a news talk show on state-owned television with representatives from both government and labor that was to address the impending labor stay away. Reporters at state-owned radio

were discouraged from reporting fully on developments relating to the February stay away. Several journalists were harassed by police while covering rallies by the Swaziland Democratic Alliance (SDA), and television came under criticism by government officials for its coverage of activities by prodemocracy groups, particularly an April rally by the SDA. The Government acted to withhold its advertising from the country's only independently-owned daily. Although the Government claimed that its action was for nonpolitical reasons, the decision followed an article in May regarding possible tax arrears on property allegedly held by the King.

The Ministry of Public Service and Information introduced a bill in Parliament on a national information policy, which was designed to set up a government regulatory body, provide an overly-broad definition of publication, and impose criminal penalties on infractions. The media and many NGO's voiced major concerns, causing the bill to be referred to a parliamentary subcommittee for further review--a review which also would set forth objections and potential modifications to the bill--with return for full parliamentary review in early 1998.

Private companies and church groups own several newsletters, magazines, and one radio station that broadcasts throughout the region, but these avoid political controversy.

The practice of self-censorship and the prohibition of political gatherings limit academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly. King Sobhuza's 1973 decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities generally did not grant permission to hold such meetings but did not rigidly enforce the 1973 decree. Political organizations, including the People's United Democracy Movement (PUDEMO) and Swaziland Youth Congress (SWAYOCO), often met without the required permission and without repercussions. However, the threat of police intervention remains, and on several occasions police harassed political and labor groups taking part in political activities, such as peaceful meetings, rallies, and demonstrations. In April during a Swaziland Democratic Alliance rally calling for the repeal of the 1973 decree, police beat 18 people, including 2 bystanders.

Several traditional forums exist for the expression of opinion, including community meetings, national councils, and direct dialog with village chiefs, but they often depend on the sufferance of leaders and are not effective channels for expressing political dissent.

The Government restricts freedom of association. King Sobhuza's 1973 decree prohibits political parties. Labor law restricts the ability of trade union organizations to participate in the social and political affairs of the nation (see Section 6.a.).

#### c. Freedom of Religion

Followers of all religious faiths are free to worship without government interference or restriction. A wide variety of religious groups actively participate in society and engage in public discussion that extends to political and social issues.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens may travel and work freely within the country. However, under traditional law a married women requires her husband's permission to apply for a passport, and unmarried women require the

permission of a close male relative. A citizenship law passed in 1992 removed several ambiguities relating to citizenship and nominally enabled nonethnic Swazis to obtain passports and citizenship documents. Bureaucratic delays, however, plague individuals seeking these documents, in part due to occasional prejudice that mixed race and white Swazis are not real Swazis. Mixed race citizens in particular are sometimes subject to unfair and discriminatory treatment.

The Government treats several thousand ethnic Swazis from the former homeland of KwaZulu in South Africa as virtually indistinguishable from local Swazis and routinely grants them travel and citizenship documents.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) as well as the various nongovernmental organizations (NGO's) involved in the care of refugees. The UNHCR officially recognizes several hundred refugees in Swaziland, the majority coming from east and central Africa. The issue of provision of first asylum has not arisen in recent years. The Government did not forcibly return any persons to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens are not able to exercise this right. The King retains ultimate executive and legislative authority, and political parties are prohibited. Passage of legislation by Parliament requires the King's assent to become law, which he is not obliged to give. When Parliament is not in session, the King may legislate by decree under his residual emergency powers. The King chooses the Prime Minister and, in consultation with the Prime Minister, the Cabinet, as well as many senior civil servants, and heads of government offices. Ten of the 16 members of Cabinet selected by the King are elected members of parliament.

Pressure has been building to modernize the political system. In July 1996, the King appointed a 30-member Constitutional Review Commission (CRC) with a 2-year mandate, with the stated purpose of examining the suspended 1968 Constitution, carrying out civic education, determining the people's wishes for their future system of government, and making appropriate recommendations on a new constitutional document. The CRC compiled the relevant documents outlining the current constitutional framework, including portions of the 1968 Constitution still in force, the 1973 decree as currently amended, and the 1992 establishment of parliament order. The CRC distributed these documents to the public in July and August during nationwide visits. On most occasions, the CRC allowed the public to voice critical opinions and concerns, although the formal collection of views was planned for a later stage. The CRC was widely criticized for being nonrepresentative (members were appointed by the King and serve as individuals rather than as representatives of organizations), for its focus on bureaucratic details and slow start, and for terms of reference that critics felt restricted the Commission's independence. Four progressive members of the 30-member Commission resigned, and another was expelled from his organization for not resigning. Human rights organizations, church groups, labor unions, and other NGO's conducted their own active programs of constitutional and human rights civic education.

Women have full legal rights to participate in the political process. There are 2 women in the 65-member House of Assembly, and 5 women in the 30-member Senate. There is 1 woman in the 16-person Cabinet. Four women serve as principal secretaries, the most senior civil service rank in the ministries. There are 3 women on the 30-person Constitutional Review Commission.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government permits domestic human rights groups to operate. In 1997 a local human rights group spoke out on a number of occasions, criticizing the Government's detention of labor leaders, handling of labor disputes, and the lack of accountability and transparency in government circles. A major reference work on human rights in Swaziland was published by Swazi legal scholars and human rights activists. There were no visits by international human rights organizations.

However, the International Confederation of Free Trade Unions (ICFTU) and the ILO were active critics of the Government's treatment of labor and the 1996 Industrial Relations Act (IRA). The Government met with an ICFTU delegation during the February stay away and with visiting ILO representatives in June and September. The Government agreed in August to amend the IRA and formed a redrafting committee in November, including employer and labor members, assisted by an ILO advisor.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.**

The Employment Act of 1980 forbids employers to discriminate on the basis of race, religion, sex, or political affiliation. Under the act employees may bring suit against employers for discrimination, and there are also provisions for criminal prosecutions. However, there is no record of any suits or prosecutions. Reportedly, the act has been used on occasion to bring moral suasion to bear against employers. Mixed-race citizens sometimes experience discrimination.

#### **Women**

Violence against women, particularly wife beating, is frequent, despite traditional strictures against this practice. Women have the right to charge their husbands with assault under both the western and traditional legal systems and frequently do so, usually in extreme cases when intervention by extended family members fails to end such violence. The traditional courts, however, can be unsympathetic to "unruly" or "disobedient" women and are less likely than the modern courts to convict men for wife beating. Rape is also common and is regarded by many men as a minor offense. Even in the modern courts, sentences frequently amount to no more than several months in jail, a fine, or both. The Legal Code addresses legal protection from sexual harassment, but its provisions are vague and largely ineffective. Several NGO's provide support against abuse or discrimination.

Women occupy a subordinate role in society. In both civil and traditional marriages, wives are legally treated as minors, although those who marry under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally requires her husband's permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, or, in some cases, take a job. Unmarried women require a male relative's permission to obtain a passport (see Section 2.d.). Despite the 1980 Employment Act requiring equal pay for equal work, men's average wage rates by skill category usually exceed those of women.

The dualistic nature of the legal system complicates the issue of women's rights. As traditional marriage is governed by uncodified law and custom, women's rights are often unclear and change according to where and by whom they are interpreted. Couples often marry in both civil and traditional ceremonies, creating problems in determining which set of rules applies to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction is sometimes ignored. Traditional marriages consider children to belong to the father and to his family if the couple divorces. Children born out of wedlock are viewed as belonging to the mother. Under the 1992 Citizenship Act, a woman does not automatically pass citizenship to her children.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations are breaking down barriers to equality. Women now routinely execute contracts and enter into a variety of transactions in their own names. The Government has committed itself to various women's initiatives in the wake of the 1995 Beijing Conference on Women, and the Ministry of Home Affairs coordinates women's issues. The Government established a task force to address gender issues and hosted a meeting of the Southern African Development Community (SADC) countries to discuss how gender issue could be integrated into the SADC agenda.

## Children

The Government is concerned with the rights and welfare of children, and a number of laws directly address children's issues. The Government does not provide free, compulsory education for children. The Government pays teachers' salary while student fees pay for books and the buildings' fund. Supplemental money must sometimes be raised for building upkeep, including teachers' housing. However, the country has a 99 percent primary school enrollment. The 1952 Adoption of Children Act includes a number of provisions for protecting children under consideration for adoption, and the 1970 Maintenance Act includes various provisions regarding the enforcement of maintenance decrees for the benefit of women and children. A government task force educates the public on children's issues.

Child abuse is a problem. Children convicted of crimes sometimes are caned as punishment. Female children can suffer sexual abuse, including by family members. There are growing numbers of street children in Mbabane and Manzini.

## People With Disabilities

The Government, through the Ministry of Home Affairs, has called for equal treatment of the disabled. A "disabled bill" was drafted and opened to discussion by the Federation of the Disabled in Swaziland (FODSWA) in December. There are no laws mandating accessibility to buildings, transportation, or government services. The Constitutional Review Commission extended its distribution of civic education materials to ensure distribution to the disabled.

## Section 6 Worker Rights

### a. The Right of Association

The 1996 Industrial Relations Act (IRA) permits workers in all sectors of the economy, including the public sector, to join unions. It permits unions to associate freely in the context of traditional trade union concerns. However, the IRA imposes criminal penalties for union activity outside core union concerns, specifically on social or political issues, and it provides that the Government may suspend or close down unions that engage in such noncore labor matters. It prohibits trade union federations (but not individual unions) or their officers from engaging in any act that "causes or incites" the slowdown or cessation of work or economic activity, or to act in any way that might be construed as a "restraint of trade," with 5 years' imprisonment the maximum penalty for such violations. Employers have equivalent penalties for unauthorized lockouts. The IRA confines unions and employer organizations to single industries, and does not permit organization across economic and industrial sectors, contrary to ILO Convention 87. The main trade union federation is the Swaziland Federation of Trade Unions (SFTU). A second trade union federation is the Swaziland Federation of Labor (SFL), which broke away from the SFTU in 1993 and gained formal recognition from the Government in 1994. In November a tripartite drafting committee, with assistance from the ILO, was formed to bring the IRA in line with internationally-recognized worker rights.



Unions are free to draw up their own constitutions within the framework of the IRA. The act specifies a number of provisions that must be addressed in a constitution, including the election of officers by secret ballot. The Labor Commissioner must approve the union constitution, and he can strike out or amend provisions that violate the law. The Government may dissolve unions that fail to maintain proper registration with the Labor Commissioner without recourse to judicial review. In April several unions, including the SFTU, were suspended for not submitting required financial statements, although the SFTU'S suspension was subsequently revoked. There is no collusion between the Government and business in relation to worker rights.

The IRA details the steps to be followed when disputes arise, including what determines a legal or an illegal strike. The act empowers the Government to mediate employment disputes and grievances and to enjoin a union from striking. When disputes arise, the Government often intervenes to try to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted and a secret ballot of union members has been conducted. The law prohibits strikes in "essential" services, which cover electricity, water, firefighting, health, sanitation, telephone, telegraph, and broadcast, as well as many civil service positions.

There were a number of strikes, usually over wages and benefits, or dismissal of fellow workers. In February the SFTU conducted a mass stay away related to 27 demands presented to the Government in 1994, including calls for fundamental political change. These demands addressed a wide range of issues, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 decree that suspended the Constitution and outlawed political parties. The stay away lasted 4 weeks and primarily affected the large sugar and pulp plantations and industries. Immediately prior to the planned stay away action, four labor leaders were arrested under a portion of the 1963 Public Order Act that had been made a nonbailable offense the previous day (see Section I.d.). They were acquitted by trial and released 26 days later. During the stay away police shot six people, wounding one seriously, and detained and beat labor and political activists; one who was wheelchair-bound sustained injuries that required 6 months' medical treatment. In March the four labor leaders who had been arrested filed an approximately \$1.3 million claim against the Government. The SFTU conducted a 3-day stay away for similar motives in October where there was both increase worker intimidation and increased police restraint. A wage-based teachers' strike lasted 6 weeks in October and November, during a key examination period, without violence. The charges against three labor leaders from the 1996 stay away remained pending.

In response to a complaint by the ICFTU (initiated by the SFTU), the ILO Committee of Experts (COE) has noted to the Government discrepancies between the IRA and ILO Convention 87 on Freedom of Association and ILO Convention 98 on the Right to Organize and Bargain Collectively. The COE concerns include the powers accorded government officials to control union activity and the strictures on the ability of workers to form unions and associate with other unions at home and abroad. The Government agreed in August to amend the IRA and formed in November a tripartite redrafting committee that included employers, labor officials, and an ILO adviser.

#### b. The Right to Organize and Bargain Collectively

The IRA provides for the right to organize and bargain collectively and outlaws antiunion discrimination. Collective bargaining is widespread; approximately 80 percent of the formal private sector is unionized. The law obliges employers to recognize a union when it achieves over 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the IRA. The IRA prohibits

trade union federations or their officers, but not individual unions, from inciting any slowdown of work or economic activity or acting in any way that might be construed as a restraint of trade. It provides equivalent penalties to employers in the case of unauthorized lockouts.

Disputes are referred to the Labor Commissioner and the Industrial Court, if necessary. Although many employers resist recognition and force the issue to the Industrial Court, the Court generally rules in favor of the unions in these cases. In the case of unfair dismissal, the Court may order reinstatement and compensation to the employee as well as a fine to the employer. Union leaders made credible charges that management in various industries dismissed workers for union activity. The Government sometimes instigates such dismissals.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including child labor, and it is not known to occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Employment Act of 1980 prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members are employed in the firm, or in technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays and limits children's work hours overall to 6 per day or 33 per week. Employment of children in the formal sector is not customary.

However, children below the minimum age are frequently employed in the agricultural sector, particularly in the eastern cotton-growing region. Children are also employed as domestic workers and as herd boys in rural areas. The Ministry of Labor is responsible for enforcement, but its effectiveness is limited by personnel shortages. The law prohibits forced labor, including child labor, and it is not known to occur (see Section 6. c.).

#### e. Acceptable Conditions of Work

There is a legally-mandated sliding scale of minimum wages depending on the type of work. These minimum wages generally provide a worker and family with a decent standard of living. The minimum monthly wage for a domestic worker is approximately \$40 (180 emalangeni), for an unskilled worker \$65 (280 emalangeni), and for a skilled worker \$100 (450 emalangeni).

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector, except for security guards who work up to six 12-hour shifts per week. The Employment Act and the Wages Act entitle all workers to 1 day of rest per week. Most workers receive a minimum of 12 days of annual leave. The Labor Commissioner enforces standards in the formal sector. There are extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions are frequently brought into play. There are also penalties for employers who conduct unauthorized lockouts.

Extensive legislation protects worker health and safety. The Government sets safety standards for industrial operations and encourages private companies to develop accident prevention programs. Recent growth in industrial production has necessitated more government action on safety issues.

However, the Labor Commissioner's office has conducted few safety inspections in recent years because of staffing deficiencies. Workers have no formal statutory rights to remove themselves from dangerous work places without jeopardizing their jobs; nor do any collective bargaining agreements address the matter.

[end of document]



[Return](#) to 1997 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.